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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,916	12/10/2003	Mark Pearson	53051/293400	5789
758	7590	06/07/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			ROSE, HELENE ROBERTA	
		ART UNIT	PAPER NUMBER	2163

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,916	PEARSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Helene Rose	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-73 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-73 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/23/05 &amp; 8/30/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**Detailed Action**

1. Claims 1-73 have been presented for examination.
2. Claims 1-73 have been objected.

**Information Disclosure Statement**

3. The information disclosure statement (IDS) submitted on 8/30/2004 and 5/23/2004, Accordingly, the information disclosure statement form listing all non-patent literature documents and the information disclosure form submitted on 5/23/2004, listing the following:

US Patent Document: 6,271,840;

Foreign Patent Documents: EP 0964341 A2 and WO 01/13273 A2;

International Search Report and Written Opinion, PCT/US2004/038559; is being considered by the Examiner. However, Examiner has not considered US Publication No. 2001/056418, because Examiner believes that the US Publication is cited incorrectly, wherein the cited PG Publication cannot be located in database. If Examiner is incorrect, the applicant is required to submit the US Publication, in ordered for it to be considered. Appropriate correction is required.

**Claim Rejections – 35 U.S.C 112**

4. Claims 3, 5, 39 and 41 are rejected under 112, second paragraph. Claims 3, 5, 39 and 41 recite the following limitation or", this limitation renders the claim vague and indefinite, because the term "or" is considered to be alternative language. Therefore, the limitation renders the claim vague and indefinite, because it is unclear as to how the examiner should interpret the claim limitation as it relates to "or".

**Claim Rejections – 35 U.S.C – 101**

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1- 73 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory matter, the following claims does not produce a final result that is useful, tangible, and concrete. In regards to this matter please see State Street, 149 F. 3d at 1373-74 USPQ2d at 1601-02). In addition to the above matter, claims 37-40, 43-45, 46-72, the applicant discloses a computer readable medium for receiving the method disclosed in claims 1-9, 10-42 and 73, but does not defined wherein receiving and identifying the first article(s) per se, discloses storing the article(s).

According to the Revised Guidelines, which states that "a claim limited to a machine or manufacture", which has a practical application, is considered to be statutory.

Examiner notes: In order to overcome this rejection, applicant must include a final result of the present invention that will convey a concrete, useful, and tangible result of the claimed invention.

#### **Claim Rejections – 35 U.S.C – 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-25, 27-32, 35-61, 63-68 and 71-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Venkatraman et al. (International Publication No: WO 01/13273, Date of Publication: February 22, 2001).

#### Claims 1, 7, 10, 37, 43, 46 and 73:

Claims 1, 7, 10, 37, 43, 46, and 73, discloses a method/computer readable medium containing program code utilizing the same functionality.

Venkatraman teaches a method/computer readable medium containing program code, comprising:

receiving a plurality of articles (page 5, lines 24-33, Venkatraman);

identifying at least a first article as a shopping article (pages 14-15, lines 28-34 and lines 1-4, Venkatraman), wherein the first article is identified as a shopping article at least in part by identifying at least one price representation in a first article (Figure 1D, diagram 22, Venkatraman) and at least in part by identifying at least one shopping character string in a link element or a form element of the first article (Figure 1D, wherein add to wish list is the string, Venkatraman);

receiving a search query for an item (page 20, lines 19-24, Venkatraman);

associating the first article with the search query (Figure 1C, diagram 20, is selected and Figure 1D, wherein it's the shirt is displayed, Venkatraman);

identifying a price associated with a first item relevant to the search query from the first article based at least in part on the search query (Figure 1D, diagram 22 Venkatraman); and

identifying an image associated with the first item based at least in part on the search query and the price (Figure 1D, wherein an image is associated with the selection, Venkatraman).

Claims 2 and 38:

Regarding claims 2 and 38, Venkatraman teaches wherein the first article is identified as a shopping article at least in part by identifying at least one price representation in a first article (Figure 1D, all features, Venkatraman).

Claims 3,5,39 and 41:

Regarding claims 3, 5, 39 and 41, Venkatraman teaches wherein the first article is identified as a shopping article at least in part by identifying at least one shopping character string in a link element or a form element of the first article (Figure 1D, wherein add to wish list is defined and associated with item, Venkatraman).

Claims 4 and 40:

Regarding claims 4 and 40, Venkatraman teaches program code for providing an indication that the first article is a shopping article (page 11, lines 4-19, Venkatraman).

Regarding claims 5 and 41, Venkatraman teaches wherein the price representation is a currency symbol followed by a number followed by a period or comma followed by two single digit numbers (Figure 1D, diagram 22, wherein the price includes a currency symbol and period, Venkatraman).

Claims 6 and 42:

Regarding claims 6 and 42, Venkatraman teaches wherein the character string comprises at least one of the group of character strings comprising add to cart, add to basket, add to shopping bag, update order, cart, basket, and checkout (Figure 2B, diagram 28, includes items to be added to shopping cart, Venkatraman).

Claims 8, 11, 44 and 47:

Regarding claim 8, 11, 44 and 47, Venkatraman teaches program code for identifying a second attribute associated with the item based at least in part on the search query and the first attribute (Figures 1C and 1D, wherein shirts and polos are displayed in a list, but diagram 20 indicates suffer shirt selected in that query, Venkatraman).

Claims 9, 12, 45 and 48:

Regarding claims 9, 12, 45 and 48, Venkatraman teaches program code for extracting the first attribute and the second attribute from the first article (page 29, lines 21-23, Venkatraman).

Claims 13 and 49:

Regarding claims 13 and 49, Venkatraman teaches program code for identifying a plurality of attributes associated with a plurality of items relevant to the search query from the first article (Figure 6, all features, wherein its further defined on page 27, lines 5-16, Venkatraman).

Claims 14 and 50:

Regarding claims 14 and 50, Venkatraman teaches wherein the identification of the first attribute and the second attribute is based at least in part on a structure of the first article (pages 19 and 20, lines 29-34 and lines 1-4, Venkatraman).

Claims 15, 27, 51 and 63:

Regarding claims 15, 27, 51 and 63, Venkatraman teaches wherein identifying the first attribute comprises program code for determining a relationship between the first attribute and a query term (page 24 lines 21-34, Venkatraman).

Claims 16, 28, 52 and 64:

Regarding claims 16, 28, 52, and 64, Venkatraman teaches wherein determining the relationship comprises program code for determining a number of words between the first attribute and a query term (page 24, lines 12-20 and pages 30-31, lines 33-34 and lines 1-6, Venkatraman).

Claims 17, 29, 53 and 65:

Regarding claims 17, 29, 53 and 65, Venkatraman teaches wherein the first article has a tree structure and determining the relationship comprises program code for determining a distance from the first attribute and a query term to a closest common ancestor (page 22, lines 1-9, Venkatraman).

Claims 18, 30, 54 and 66:

Regarding claims 18, 30, 54 and 66, Venkatraman teaches wherein the first article has a tree structure and determining the relationship comprises program code for determining a number of nodes in a smallest tree that contains both the first attribute and a query term (page 22, lines 10-22, wherein reduces the range of values of the classifier, Venkatraman).

Claims 19, 31, 55 and 67:

Regarding claims 19, 31, 55 and 67, Venkatraman teaches wherein the first article has a tree structure and determining the relationship comprises program code for determining a depth of a smallest tree in the tree structure containing both the first attribute and a query term (Figure 4, diagrams 52a-b and 54-55, further defined on page 22, lines 10-22, Venkatraman)

Claims 20, 32, 56 and 68:

Regarding claims 20, 32, 56 and 68, Venkatraman teaches wherein identifying the first attribute comprises program code for determining a distance between the first attribute and the second attribute (Figure 10, all features, wherein its further defined on page 37, lines 15-31, Venkatraman).

Claims 21 and 57:

Regarding claims 21 and 57, Venkatraman teaches wherein the first attribute is a price for the first item (Figure 1D, diagram 22, Venkatraman).

Claims 22 and 58:

Regarding claims 22 and 58, Venkatraman teaches wherein identifying the price comprises program code for determining a price representation score (pages 34 and 35, lines 20-34 and lines 1-15, Venkatraman).

Claims 23 and 59

Regarding claims 23 and 59, Venkatraman teaches wherein identifying the price comprises program code for determining a font size of the price (Figure 2B, wherein “our price” is the font size price, wherein the font size can be determined within code on page 35, line 34, Venkatraman).

Claims 24 and 60:

Regarding claims 24 and 60, Venkatraman teaches wherein identifying the price comprises program code for determining a font face of the price (Figure 2B, wherein “our price” is the font face of the price, Venkatraman).

Claims 25 and 61:

Regarding claims 25 and 61, Venkatraman teaches wherein identifying the price comprises program code for determining words immediately preceding the price (Figure 2B, all features, wherein terms such as list price, our price is preceding price, Venkatraman).

Claims 35 and 71:

Regarding claims 35 and 71, Venkatraman teaches wherein identifying the image comprises program code for determining a frequency of occurrence value associated with the image (page 34, lines 17-20, Venkatraman).

Claims 36 and 72:

Regarding claims 36 and 72, Venkatraman teaches wherein the identification of the first attribute and the second attribute is performed simultaneously (Figure 9, diagram 240, Venkatraman).

**Claim Rejection – 35 U.S.C – 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 26, 33-34, 62 and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (International Publication No: WO 01/13273, Date of Publication: February 22, 2001) in view of Chen et al (US Patent No. 6,009,442, Date of Patent: December 28, 1999).

Claims 26 and 62:

Regarding claims 26 and 62, Venkatraman discloses all the limitations above. However, Venkatraman does not disclose wherein identifying the first attribute and the second attribute comprises program code for determining global information associated with articles related to the first article. However, Chen disclose wherein identifying the first attribute and the second attribute comprises program code for determining global information associated with articles related to the first article (Figure 6, all features, wherein file type and image is defined wherein defined within applicants specification in the US Publication, section [0036], wherein global information is regarding the potential images, such as, the file type of the potential image, the size of the potential image, the aspect ratio of the potential image, and an occurrence value for the image can also be used by the attribute processor to determine potential images, Chen). It would have been obvious to one of the ordinary skill in the art at the time of invention to incorporate Chen teaching into Venkatraman system. Venkatraman and Chen are analogous art because they are both from the same field of endeavor, i.e. information systems extraction. A skill artisan would have been motivated to combine the suggested by Chen at columns 1 and 2, lines 64-67 and lines 1-3, to provide users with preferences of viewing, editing and managing documents that consist of any type or format, allowing users to create interactive queries, i.e. user created searches, and analyze the spatial information.

Claims 33 and 69:

Regarding claims 33 and 69, the combination of Vekatraman in view of Chen teaches wherein the second attribute is an image of the first item (column 11, lines 13-18, wherein the first pass is a low resolution scan which converts the document into a desired image format, the second pass is a higher resolution pass that is conducted on a non-color, or non-gray scale version of the images, this second scanning pass is used to obtain the position of the meta-text described, Chen).

Claims 34 and 70:

Regarding claims 34 and 70, the combination of Vekatraman in view of Chen teaches wherein identifying the image comprises program code for determining an aspect ratio associated with the image (Figure 5, wherein resolution is defined and Figure 6, all features, Chen).

**Prior Art of Record**

(The prior art made of record and not relied upon is considered pertinent to applicant's disclosure)

Venkatraman et al	International Publication No. WO 01/13273
Chen et al	US Patent No. 6,009,442
Finseth et al	US Patent No. 6,271,840
Brin	US Patent No. 6,678,681

**Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 30, 2006



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